UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:08-CR-262-D No. 5:11-CV-193-D

| FERNANDO MIGUEL NUNEZ |) | |
|---------------------------|---|-------|
| Petitioner, |) | |
| v. |) | ORDER |
| UNITED STATES OF AMERICA, |) | |
| Respondent. |) | |

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 21 day of April 2011.

ames C. Dever III

United States District Judge